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1 STIPULATIONS

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3 IT IS HEREBY STIPULATED, by and between the
4 attorneys for the respective parties hereto, that:

5 All rights provided by the CPLR, and Part 221
6 of the Uniform Rules for the Conduct of Depositions,
7 including the right to object to any question, except as
8 to form, or to move to strike any testimony at this
9 examination is reserved; and in addition, the failure to
10 object to any question or to move to strike any
11 testimony at this examination shall not be a bar or
12 waiver to make such motion at, and is reserved to, the
13 trial of this action.

14 This deposition may be sworn to by the witness
15 being examined before a Notary Public other than the
16 Notary Public before whom this examination was begun,
17 but the failure to do so or to return the original of
18 this deposition to counsel, shall not be deemed a waiver
19 of the rights provided by Rule 3116 of the CPLR, and
20 shall be controlled thereby.

21 The signing and filing of the original
22 deposition transcript is waived.

23

24

25

1 A A R O N H I N D S, called as a witness
2 and being duly sworn, testifies as follows:

3 EXAMINATION BY MS. CHRISTIE:

4 Q Good afternoon, Mr. Hinds. My name is
5 Tamara Christie. I work for the Attorney General's
6 Office, and I am defending the State in an unjust
7 conviction claim brought by Anthony Miller. I am going
8 to be asking you several questions about your knowledge
9 of what Mr. Miller was doing on September 25, 2013.
10 Okay?

11 A Okay.

12 Q If at any point you don't understand my
13 question, just let me know. I will be happy to rephrase
14 it. Otherwise, if you answer it, I will assume that you
15 understood it. Fair enough?

16 A Yes.

17 Q I don't expect that your testimony is
18 going to be very lengthy today. Regardless, if you need
19 a break at any time, please let me know. I would be
20 happy to give you an opportunity to take a break. I
21 just ask that we do not take a break while a question is
22 pending.

23 A Okay.

24 Q Did you -- before testifying today, did
25 you look at any documents or photographs or anything?

1 Q LiDestri?

2 A Yes.

3 Q In East Rochester?

4 A Yes -- no, no. Sorry about that. Lee
5 Road.

6 Q Lee Road?

7 A Yes.

8 Q What did you do for LiDestri?

9 A That was a temp job. Also, I would say,
10 like, they had us all over the warehouse, so I never had
11 a specific job.

12 Q How long did you work for LiDestri?

13 A It was about a year and a half.

14 Q How long did you work for Babies "R" Us?

15 A I would say a year.

16 Q Okay. Where -- what employment did you
17 have, if any, after LiDestri?

18 A After LiDestri was Labor Ready.

19 Q Labor ready?

20 A Yes.

21 Q You were 21 on September 25, 2013?

22 A Yes.

23 Q And how old were you at that time, if you
24 remember?

25 A Twenty-one.

1 Q I'm talking about the date that
2 Mr. Miller was arrested?

3 A I was 21 at the time.

4 Q What was your height and weight, if you
5 know?

6 A 6'3. I would say 275 pounds.

7 Q 175?

8 A No. 275.

9 Q Okay. Where did you live at that time on
10 September 25, 2013?

11 A 31 Bradburn Street.

12 Q 31 Bradburn Street. And who lived with
13 you at that address?

14 A My mother and my father.

15 Q And what are there names?

16 A Edna Hinds and Cleveland Hinds.

17 Q Edna Hinds and Cleveland Hinds?

18 A Yep.

19 Q And is that a single-family residence at
20 that location?

21 A Yes.

22 Q Do you still live at that address?

23 A No.

24 Q You were with Mr. Miller on the evening
25 of September 25, 2013, when he was stopped by the

1 police; is that correct?

2 A Yes.

3 Q And that was at 22 Bradburn; correct?

4 A Yes.

5 Q Can you tell me if you remember what you
6 did, generally, earlier in the day that day? Whatever
7 you can remember.

8 A Got up and went to work.

9 Q Can you tell me what you did earlier in
10 the day on September 25, 2013?

11 A How much earlier in the day are you
12 talking?

13 Q From the time that you got up, until the
14 time that the police stopped you. I realize it is a
15 long time ago just whatever you can remember.

16 A I got up, brushed my teeth, went to work.

17 Q Where did you work at that time?

18 A At that time Labor Ready was sending me
19 to Pep Boys at Henrietta.

20 Q What time did you go to work that day?

21 A It was 8:30 maybe. Something like that.

22 Q And then how long did you work that day?

23 A For about eight hours.

24 Q So about five o'clock, 5:30?

25 A I would say three.

1 Q They took them off again?

2 A Yeah.

3 Q So describe to me how this worked. You
4 walked where and did what?

5 A I guess the cop car on Genesse -- Genesse
6 and Rosalind. I walked about 15 to 20 feet towards
7 Rosalind, and they made us walk to the left on Rosalind.
8 They made us walk another 15 to 20 feet. They spun us
9 around, and walked us back to the cop car.

10 Q What happened once you got back? Just to
11 be clear, Anthony Miller was not with you during that
12 period; is that right?

13 A He was in a separate cop car. They both
14 took us over there.

15 Q Okay. When you did that walk to Genesse
16 and Rosalind and back, you did it, and then they had
17 Anthony do it separately?

18 A Yes.

19 Q Do you know if anybody else made that
20 walk other than you and Anthony?

21 A No.

22 Q What happened after you got back to the
23 police car?

24 A We got back to the police car I
25 remember -- I don't know which detective, but they said

1 that they wanted to search my house.

2 Q What did you say?

3 A I said yes.

4 Q Did you see what happened with Anthony at
5 that point?

6 A No.

7 Q So after -- do you remember which
8 detective that asked to search the house?

9 A Like I said, I don't remember his name.
10 He was the heavy-set detective.

11 Q Yeah. It was that guy not Wengert that
12 asked to search the house?

13 A Yes.

14 Q And you said that that was okay?

15 A Yes.

16 Q Okay. So what's the next thing that
17 happened?

18 A We went to Bradburn. I signed a consent
19 form.

20 Q Do you remember what the consent form
21 said?

22 A No.

23 Q But you had a chance to read it before
24 you signed it?

25 A Yes.

1 Q And then you said earlier that you were
2 there inside the house when they did the search?

3 A Yes.

4 Q I think you said it was about ten minutes
5 that it took?

6 A Yes.

7 Q Do you remember where they searched?

8 A The living room, my bedroom, bathroom.
9 The kitchen a little bit. That's it.

10 Q Is your house two floors?

11 A Four. Basement, living room, second
12 floor, and attic.

13 Q Is the basement finished?

14 A No. At the time, no.

15 Q Was the attic finished?

16 A No.

17 Q The areas that you described that were
18 searched, were those all on the first and second floor?
19 Did that include the basement and the attic?

20 A First and second floor.

21 Q Okay. When they search the house, did
22 they tell you what they were searching for?

23 A I believe a cell phone.

24 Q And when they search the various rooms
25 that you described, did you see where they were

1 searching? Were they searching drawers? Cabinets?
2 Cushions?

3 A Drawers and cabinets.

4 Q Anywhere else?

5 A What do you mean anywhere else?

6 Q You tell me. It is your house.

7 A Yeah. Drawers, kitchen, the couch.

8 Q Okay. What happened once they -- you
9 said that search took about ten minutes. Then what
10 happened?

11 A They searched, and took me back out. At
12 that time, my mother came, and they talked to my mother.
13 Told her what happened, and they left after that.

14 Q Were you present when they spoke to your
15 mom?

16 A Yes.

17 Q What did they say to each other?

18 A They were basically telling her what
19 happened. Why we have your son. Why we are searching
20 your house.

21 Q When they said what happened, what is
22 that they explained to your mom as you recall?

23 A The reason why they were searching.

24 Q Okay. And the robbery in particular? Is
25 that -- did they mention the robbery?

1 A They didn't really mention the robbery.
2 They just really mentioned that they were searching the
3 house because of what happened. They didn't explain too
4 much about the robbery.

5 Q Got it. Okay. What -- did your mom say
6 anything to them?

7 A No. She didn't ask any questions.

8 Q So after that conversation with your mom,
9 did the police officers remain there, or did they leave?

10 A They left.

11 Q Did you have after that any further
12 interactions with any police officers about the robbery
13 that took place on Rosalind?

14 A No.

15 Q Did the officers ever ask to search the
16 house again?

17 A No.

18 Q Do you know if they found anything in the
19 house?

20 A No.

21 Q You told us before about conversations
22 that you had with Anthony's attorney Josh Stubbe about
23 you testifying at trial. Did you ever speak directly
24 with Anthony Miller before his trial about you coming to
25 testify?

1 A Yes. I spoke with him.

2 Q Can you tell us what those conversations
3 were? What you said to him and what he said to you?

4 A Basically what happened there and -- what
5 happened the day the cops came.

6 Q When you met in that office with
7 Anthony's attorney Josh Stubbe, was anyone else present
8 for that conversation?

9 A Just me and Mr. Stubbe.

10 Q Okay. How long before Anthony's trial
11 did you have that meeting with Mr. Stubbe? Weeks?
12 Months?

13 A Weeks before.

14 Q And do you remember Mr. Stubbe telling
15 you specifically about when the trial was scheduled?

16 A Yes.

17 Q And was it in that meeting in his office?
18 Did he ask you to come to testify at that point?

19 A He just asked me the dates of when the
20 trial was.

21 Q Okay. You said Anthony's trial was about
22 three days, and you were there for one of those days?

23 A Yes.

24 Q Were you present in the courtroom when
25 you went, or were you waiting in a witness area?

1 Exhibit 1, please?

2 THE REPORTER: Yes.

3 (Whereupon Exhibit No. 1 was marked for
4 identification, 07/13/22, ANC)

5 EXAMINATION BY MR. SHIELDS:

6 Q Did you recognize that piece of paper
7 that I am showing you?

8 A Yes.

9 Q And it says "T-Mobile" at the top; is
10 that right?

11 A Yes.

12 Q And what do you recognize that paper to
13 be?

14 A Phone records.

15 Q Are they phone records from your cell
16 phone from September 2013?

17 A Yes.

18 Q Okay. And towards the bottom of the left
19 side of the page, there are some highlights and some
20 phone numbers, do you see that?

21 A Yes.

22 Q Looking at those phone numbers, can you
23 tell us are those the calls that we spoke about earlier?

24 A Yes.

25 Q And did you make those telephone calls?

1 A No.

2 Q Can you read those telephone numbers?

3 Are they too small? Can you read them? Can you make
4 them out?

5 A 414-2023 --

6 Q Can -- I'm sorry. Can you finish?

7 A 585 with the area code.

8 Q Can you see what time that phone call was
9 made?

10 A 7:42 p.m.

11 Q Is that the first highlighted number?

12 A That's the last highlighted number.

13 Q So maybe can you go up? And what was the
14 next phone -- earlier than that next phone call that was
15 made before the 7:42 p.m. phone call?

16 A 7:42 was the last one. Before that was a
17 317-9147 at 7:41.

18 Q So there was a phone call at 7:42 and one
19 at 7:41; is that right?

20 A Yes.

21 Q What was the -- is there a phone call
22 before 7:41?

23 A Yes.

24 Q And what was that phone call -- that
25 phone number?

1 A 414-2023.

2 Q And what time was that phone call made
3 at?

4 A 7:30 p.m.

5 Q 7:30 p.m.?

6 A 7:30 p.m. It is scribbled out, but it
7 looks like 7:30.

8 Q Is it possible that it was 7:38 not 7:30?

9 A It looks like it could be 7:38.

10 Q Is there a phone call right above that?

11 A Yes.

12 Q And can you see the time that the phone
13 call right above that was made?

14 A 7:37 p.m.

15 Q What phone call was made at 7:37 p.m.?
16 What number?

17 A (585)503-0784.

18 Q Okay. Did -- was that one -- does it say
19 if it was incoming or outgoing?

20 A Incoming.

21 Q So you had an incoming call at 7:37, and
22 can you see the number above the 7:37?

23 A It is definitely a little scribbled out,
24 but I would say 7:23 p.m. The number is scribbled out.

25 Q Okay. From looking at that page, does it

1 look like the phone numbers are from earlier in time? I
2 might have of said the phone numbers. I meant the time
3 of the phone call. If you look at the left side, does
4 that show the date?

5 A Yes.

6 Q As you go up, does it show the dates
7 going back in time?

8 A The date is going back in time, yep.

9 Q Okay. So would it be fair to say if you
10 go down to the last three highlighted numbers that the
11 outgoing calls -- it would make sense that it would go
12 7:37 and then 7:38?

13 A The last 3?

14 Q I'm sorry. Earlier you were not sure if
15 that said 7:30 or 7:38; right?

16 A Yes. That looks like 7:38 then.

17 Q Okay. And that 7:38 call that looks like
18 an outgoing call?

19 A Yes.

20 Q Do you happen to know whose telephone
21 number that was?

22 A It looks like Brooklyn Cromes's phone
23 number at the time.

24 Q And then the number right after that, do
25 you know whose number that is?

1 A I believe it was Mike Mason's number at
2 the time.

3 Q The last highlighted number, do you know
4 whose phone number that is?

5 A Brooklyn Cromes's number at the time.

6 Q And did you make those three phone calls
7 that are 7:38, 7:41, and 7:42?

8 A No.

9 Q Do you know who made those telephone
10 calls at 7:38, 7:41 and 7:42?

11 A Anthony Miller.

12 Q Okay. So between the time that those
13 three phone calls were made at 7:38, 7:41, and 7:42 and
14 the time you were stopped by the police, were you with
15 Anthony Miller in front of 22 Bradburn Street?

16 A Yes.

17 Q Did you guys go anywhere else?

18 A No.

19 Q You made those calls, and you were with
20 Anthony between the time of those calls were made and
21 the time you were stopped by the police?

22 A Yes.

23 MR. SHIELDS: I have no further
24 questions.

25 MS. CHRISTIE: I just have a couple